Remarks

This Amendment is in response to the Office Action dated **July 12, 2007.**

Rejections

Claims 1-23 have been rejected under 35 U.S.C. §102(e) as being anticipated by Lim et al. (U.S. 6,946,173). This rejection has been maintained from the previous Office Action mailed 1/24/07.

Applicants traverse the rejection.

Applicants' claim 1, 9 and 14 which are all directed to embodiments having the outermost layer of the balloon (claims 1 and 14) or medical device (claim 9) comprising *at least one first plasma polymerized layer which forms the outer most layer* of said balloon.

This plasma polymerized outer layer can provide the balloon with a durable, abrasion and tear resistant surface, with very minimal increases in wall thickness. See page 9, lines 18-26.

Applicants argued in the previous Response mailed 4/24/07 and continue to maintain their position that Lim et al. fail to disclose an outermost plasma polymerized layer.

The Examiner disagrees and asserts in the Final Office Action that Applicants' argument that Lim et al. fails to disclose the balloon having inner and outer layers formed by plasma polymerization is simply not true. See page 3, first paragraph of the Final Office Action.

As a basis for this assertion, the Final Office Action directs us to Figs. 1-3 of Lim et al. as showing a balloon (24) comprising a first plasma polymerized layer (35) (col. 8, lines 9-14) forms the outer layer (33) of the balloon and a second plasma polymerized layer (col. 8, lines 34-38) forms on the inner layer (34) of the balloon.

This is an incorrect interpretation of this reference.

Applicants submit that plasma polymerized layer 35 is applied to inner ePTFE layer 33 of the Lim et al. balloon to facilitate *bonding* between the inner layer 33 and the outer layer 34, and therefore cannot itself form the inner 33 or the outer layer 34. Lim et al. state the following:

> In the embodiment illustrated in FIG. 1, the ePTFE layer 33 of the balloon 24 is chemically modified to provide a plasma polymerized film 35 which facilitates bonding layer 33 to layer 34. At least a section of the ePTFE layer 33, and preferably the entire length of at least an inner surface of ePTFE layer 33, has the plasma polymerized film 35.

Lim et al., US 6946173, col. 8, lines 9-14.

Applicants have also reproduced FIG. 1 (side view) and FIG. 3 (radial cross-section), below, which illustrate that indeed, plasma polymerized film 35 is between inner layer 33 and outer layer 34, and is clearly not the outermost layer of balloon 24 as recited in Applicants' independent claims 1, 9 and 14:

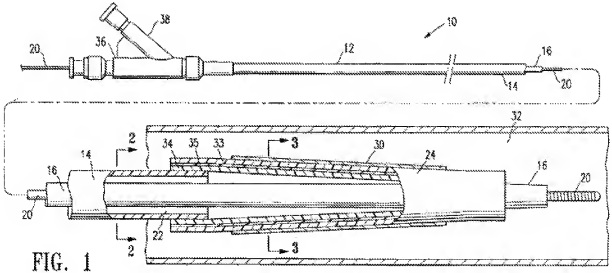

FIG. 1

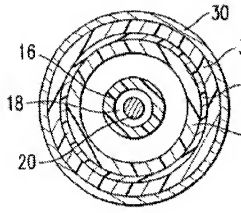

FIG. 3

As can be seen from these figures, there is no way in which layer 35 can be interpreted as forming an outermost layer. Furthermore, there is nothing in the disclosure of Lim et al. to suggest that either layer 33 or 34 is plasma polymerized. This assertion, found on page 3 of the Final Office Action is simply incorrect. Lim et al. disclose that layer 34 is formed of a silicone-polyurethane copolymer and the second layer 34 is readily fusion bonded to plasma polymerized acrylic acid *treated* ePTFE layer 33 having the plasma polymerized carboxylate film thereon. Lim et al., col. 8, lines 34-38. The ePTFE layer 33 is first treated with the plasma polymerized film to facilitate bonding of the silicone-polyurethane copolymer layer 34, but neither of these layers is itself formed by plasma polymerization.

Independent claims 1, 9 and 14 are therefore not anticipated by Lim et al., and claims 2-8, 10-13 and 15-23 dependent therefrom are not anticipated by Lim et al. for at least the reasons that claims 1, 9 and 14 are not anticipated by Lim et al.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 1-23 under 35 U.S.C. §102(e) as anticipated by Lim et al., US 6,946,173.

CONCLUSION

Claims 1-23 are pending in the application. Applicants have addressed each of the issues presented in the Office Action. Based on the foregoing, Applicants respectfully request reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be reached at (952)563-3011 to expedite prosecution of this application.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: Sept. 12, 2007

By: /Lisa Ryan-Lindquist/
Lisa R. Lindquist
Registration No.: 43071

6640 Shady Oak Dr., Suite 400
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\lrl\10886us01_amd_20070718.doc